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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 NAKIA BASKERVILLE, Individually,  
10 Plaintiff,

CASE NO.: 2:15-cv-00902-JAD-VCF

11 vs.

12 ALBERTSON'S, LLC, a foreign limited liability  
company; NEW ALBERTSON'S, INC., a foreign  
13 corporation; ALBERTSON'S HOLDINGS, LLC,  
a foreign limited liability Company; DOES I-X;  
14 and ROE CORPORATIONS I-XX, inclusive,  
15 Defendants.

16  
17 **STIPULATION AND ORDER TO EXTEND THE DISCOVERY**  
18 **AND PRE-TRIAL DEADLINES (FIRST REQUEST)**

19 COME NOW Plaintiff NAKIA BASKERVILLE, by and through her attorney, David J.  
20 Martin, Esq. of HENNESS & HAIGHT; and Defendant ALBERTSON'S, LLC by and through its  
21 attorneys, Kym Samuel Cushing, Esq. and Raymond E. McKay, Esq. of WILSON, ELSER,  
22 MOSKOWITZ, EDELMAN & DICKER LLP; and hereby stipulate to extend all current discovery  
23 and pre-trial deadlines by approximately 30 days.

24 **A. Good cause exists for extending the discovery and pre-trial deadlines.**

25 Good cause exists for extending the current discovery and pre-trial deadlines. LR 26-4  
26 provides in pertinent part:  
27  
28

1           *Extension of Scheduled Deadlines.* Applications to extend any date set by  
2           the discovery plan, scheduling order, or other order must, in addition to  
3           satisfying the requirements of LR 6-1, be supported by a showing of good  
4           cause for the extension . . .

5           A 30-day extension of discovery would assist the parties in completing fact discovery and  
6           expert discovery in this case.

7           As indicated in the plaintiff's Complaint, this matter involves injuries allegedly sustained  
8           while she was on defendant's premises. Plaintiff alleges that Ms. Baskerville's injuries were caused  
9           by the negligence of Albertson's. Through the discovery process, the parties will need to obtain  
10          records pertaining to Ms. Baskerville's medical history, and then provide records and written  
11          discovery to experts to address the issues identified in any such records.

12          Defendant has served written discovery on Plaintiff, which included medical authorizations  
13          in order for Defendant to obtain the requisite medical records in order to determine what, if any,  
14          expert witnesses are needed and to provide the records to those experts for analysis. Plaintiff's  
15          counsel provided executed authorizations to Defendant the afternoon of August 25, 2015, which will  
16          now enable Defendant to request Plaintiff's records. Plaintiff provided these authorizations prior to  
17          the response due date to assist in Defendant's ability to obtain medical records. An extension of the  
18          deadlines would allow time for the parties and their respective experts to obtain and analyze these  
19          records in preparation for their expert reports and complete depositions. As such there is good cause  
20          for the parties to request that this Honorable Court extend all current discovery deadlines by  
21          approximately 30 days. The current discovery and pre-trial deadlines are:

- 22           1. *Discovery Cut-off Date.* **November 9, 2015**
- 23           2. *Amending the Pleadings and Adding Parties.* **August 11, 2015**
- 24           3. *Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).* **Initial Experts: September 10, 2015**
- 25           4. *Rebuttal Experts:* **October 9, 2015**
- 26           5. *Dispositive Motions.* **December 9, 2015**
- 27           6. *Pretrial Order.* The joint pretrial order shall be filed not later than **January 8, 2016**

7. *Fed. R. Civ. P. 26(a)(3) Disclosures.* The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objection(s) thereto, shall be included in the pretrial order.

The parties request to extend the discovery and pre-trial deadlines as follows:

1. *Discovery Cut-off Date.* **December 9, 2015**
2. *Amending the Pleadings and Adding Parties.* **September 11, 2015**
3. *Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).* **Initial Experts: October 12, 2015**
4. *Rebuttal Experts:* **November 12, 2015**
5. *Dispositive Motions.* **January 11, 2016**
6. *Pretrial Order.* The joint pretrial order shall be filed not later than **February 8, 2016**
7. *Fed. R. Civ. P. 26(a)(3) Disclosures.* The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objection(s) thereto, shall be included in the pretrial order.

**B. Status of discovery and proposed schedule for completing discovery.**

Pursuant to LR 26-4, the parties submit the following to the Court:

(a) A statement specifying the discovery completed: The parties have exchanged initial productions of documents and written discovery.

(b) A specific description of the discovery that remains to be completed: Pursuant to an extension of time, Plaintiff's discovery responses are due September 1, 2015. Defendant needs to obtain, review and analyze Plaintiff's medical records, and the parties need to designate experts and complete depositions in this case. The defendant intends to depose Plaintiff, any of Plaintiff's designated expert witnesses and several of Plaintiff's treating physicians and possibly percipient witnesses. The Plaintiff intends to depose Defendant's FRCP 30(b)(6) witness, designated expert witnesses and possibly percipient witnesses.

(c) The reasons why discovery remaining was not completed within the time limits set by the discovery plan: The parties have granted reciprocal extensions of time to respond to discovery. There was a delay in obtaining Plaintiff's executed authorizations. Medical authorizations are necessary to obtain the medical records that must be analyzed before any expert discovery can take

place, with the deadline for initial expert disclosures fast approaching. Plaintiff's counsel provided the executed authorizations the afternoon of August 25, 2015.

(d) A proposed schedule for completing all remaining discovery:

1. *Discovery Cut-off Date.* **December 9, 2015**
2. *Amending the Pleadings and Adding Parties.* **September 11, 2015**
3. *Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).* *Initial Experts:* **October 12, 2015**
4. *Rebuttal Experts:* **November 12, 2015**
5. *Dispositive Motions.* **January 11, 2016**
6. *Pretrial Order.* The joint pretrial order shall be filed not later than **February 8, 2016**
7. *Fed. R. Civ. P. 26(a)(3) Disclosures.* The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objection(s) thereto, shall be included in the pretrial order.

**C. LR 26-7(B) Certification of Counsel**

On August 25, 2015, Raymond McKay, Esq., counsel for Defendant, communicated with David J. Martin, Esq., counsel for Plaintiff, regarding extending the discovery and pre-trial deadlines. Plaintiff's counsel agreed to extend the current discovery and pre-trial deadlines by approximately 30 days from the current deadlines.

Dated this 26<sup>th</sup> day of August, 2015.

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

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Attorneys for Defendant  
ALBERTSON'S LLC

Dated this 26<sup>th</sup> day of August, 2015.

**HENNESS & HAIGHT**

/s/ David J. Martin

David J. Martin, Esq.  
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8972 Spanish Ridge Avenue  
Las Vegas, NV 89148  
Attorneys for Plaintiff  
NAKIA BASKERVILLE

**ORDER**

IT IS SO ORDERED.

DATED: this 26<sup>th</sup> day of August, 2015.

  
UNITED STATES MAGISTRATE JUDGE